

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

GENERAL SMITH III,

Petitioner,

v.

WARDEN, SOUTHEASTERN
CORRECTIONAL INSTITUTION,

Respondent.

Case No. 2:14-CV-554
Judge Smith
Magistrate Judge King

ORDER

On June 24, 2014, the United States Magistrate Judge recommended that Petitioner's *Motion for Bond*, Doc. No. 2, be denied. *Report and Recommendation*, Doc. No. 8. This matter is now before the Court on Petitioner's *Reply to Respondent Opposition for Bond*, Doc. No. 10, which the Court construes as an objection to the *Report and Recommendation*. Respondent has filed a *Supplemental Memorandum in Opposition*, Doc. No. 11. For the reasons that follow, Petitioner's *Objection*, Doc. No. 10, is **DENIED**. The *Report and Recommendation*, Doc. No. 8, is **ADOPTED** and **AFFIRMED**. Petitioner's *Motion for Bond*, Doc. No. 2, is **DENIED**.

Petitioner insists that Respondent has conceded that Petitioner is entitled to relief, and contends that this action is timely but that Respondent is intentionally delaying this case. *Objection*, PageID# 128-131PageID# 130-31. Because his *Petition*, Doc. No. 1, is meritorious, Petitioner argues, he is entitled to release on bond. As noted *supra*, the Magistrate Judge recommended that Petitioner's motion for release on bond be denied.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review of the *Report and Recommendation*. As discussed by the Magistrate Judge, Petitioner has failed to establish

that exceptional circumstances warrant his release on bond pending resolution of this case. *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990). The state court conviction attacked in this action is presumptively valid and, thus far, the record fails to reflect a substantial claim of law. *Id.* at 79. *See also Lee v. Jabe*, 989 F.2d 869, 871 (6th Cir. 1993). Moreover, and Petitioner's representation to the contrary notwithstanding, Respondent has not conceded that Petitioner is entitled to the relief sought by him in this action. Similarly, the record does not support Petitioner's accusation that the Respondent has intentionally delayed the case by requesting an extension of time to file a response to the *Petition*. The only issue now before the Court is whether Petitioner has established a claim or facts that warrant the extraordinary relief of release on bail. This Court agrees with the Magistrate Judge that Petitioner has not.

Petitioner's *Objection*, Doc. No. 10, is **DENIED**. The *Report and Recommendation*, Doc. No. 8, is **ADOPTED** and **AFFIRMED**. Petitioner's *Motion for Bond*, Doc. No. 2, is **DENIED**.

s/George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT